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ORDER RE MARKMAN HEARING IN A DESIGN PATENT CASE

1. A Joint Statement of Disputed and Undisputed Terms for each patent at issue. This statement shall list in chart form each disputed and undisputed term (and each column and line where the term appears), Plaintiff's interpretation and Defendant's interpretation. (Only undisputed terms that are important for the Court's construction of the disputed terms need be included.) The Statement shall be brief and shall not contain argument;

1 however, Plaintiff and Defendant shall reference, by page number, the
2 section of their brief supporting their interpretation. Attached to this Order
3 is a sample joint statement.

4 Because in a design patent dispute the Joint Statement of Disputed
5 and Undisputed Terms ordinarily cannot, and need not, address or deal
6 with the meaning of words, the parties shall instead entitle the left column
7 “ORNAMENTAL FEATURES and POINTS OF NOVELTY.” Their
8 entries in the Joint Statement shall identify what it is about the overall
9 design that is (or is not, as the defendant would urge) substantially similar
10 (or, as defendant would urge, different) to the ordinary purchaser or
11 observer. They also should identify the specific features and points of
12 novelty in the original patent and shall summarize their contentions as to
13 the presence or absence of those features and points in the allegedly
14 infringing item. They should, if possible, incorporate pictures, diagrams
15 and schema in their submission.

- 16 2. A List of Exhibits and of All Witnesses (identified by status or function)
17 upon whose testimony the parties will rely at the hearing.
18 3. Declarations containing the direct testimony of each party’s witnesses.
19 4. A Brief not to exceed 25 pages.

20 By not later than one week before the *Markman* hearing, each party may
21 file a Reply. Reply briefs shall not exceed 10 pages.

22
23
24 IT IS SO ORDERED.

25
26 DATE:

27 A. Howard Matz
28 United States District Judge

IDENTIFICATION OF PATENT CLAIM PHRASES FOR U.S. PATENT NO. _____

CLAIM TEXT AND COLUMN/LINE REFERENCE	PLAINTIFF'S INTERPRETATION AND AUTHORITY	DEFENDANT'S INTERPRETATION AND AUTHORITY
1. "In a switched power supply " (Col. 6, Lns 41-42; Col. 9, Lns 36-54)	<p>AGREED TERM switched power supply: A circuit that delivers power to a load by using an electronic switch (e.g., power switch).</p>	
2. "a rectifier adapted to be connected to the alternating current line " (Col. 10, Lns 13-15)	<p>AGREED TERM rectifier: A circuit or device that converts an alternating polarity signal to a single polarity signal (i.e., typically a full-wave diode bridge).</p>	
	<p>DISPUTED TERM alternating current line: Electrical conductors capable of carrying a current whose direction changes at recurring intervals of time. Authority: Plaintiff's Brief at 9-10.</p>	<p>DISPUTED TERM alternating current line: Two or more physical conductors that carry a voltage waveform that varies in amplitude and polarity in a sinusoidal fashion (e.g., the wires leading up to a typical wall outlet). Authority: Defendant's Brief at 14-19.</p>